

1 TRAINOR FAIRBROOK
2 JOHN D. FAIRBROOK (SBN 105115)
3 980 Fulton Avenue
4 Sacramento, California 95825
5 Telephone: (916) 929-7000
6 Facsimile: (916) 929-7111
7 jfairbrook@trainorfairbrook.com
8 jms:3807.004.1137645.1

9 Attorneys for Plaintiffs
10 FLAGSHIP WEST, LLC, MARVIN G. REICHE
11 and KATHLEEN REICHE
12

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA (FRESNO)

15 FLAGSHIP WEST, LLC, a California
16 limited liability company, MARVIN G.
17 REICHE, and KATHLEEN REICHE,
18

Plaintiffs,

v.

19 EXCEL REALTY PARTNERS, L.P., a
20 Delaware limited partnership, NEW
21 PLAN EXCEL REALTY TRUST, INC.,
22 a Maryland corporation, and DOES 1
23 through 50, inclusive,
24

Defendants.

25 Case No.: 1:02-CV-05200-LJO-DLB
26

27 **STIPULATION FOR VOLUNTARY
28 DISMISSAL PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE, RULE
41(a)(A)(ii)**

TRAINOR FAIRBROOK
Atorneys At Law
980 Fulton Avenue
SACRAMENTO, CALIFORNIA 95825
Telephone: (916) 929-7000
Facsimile: (916) 929-7111

1 It is hereby stipulated by and between **FLAGSHIP WEST LLC** and **MARVIN G.**
2 **REICHE** and **KATHLEEN REICHE** (collectively “**PLAINTIFFS**”) and **EXCEL REALTY**
3 **PARTNERS LP** and **BRIXMOR LLC**, as successor in interest to **NEW PLAN EXCEL**
4 **REALTY TRUST, INC.** (collectively “**DEFENDANTS**”), that the Second Amended Complaint
5 filed by Plaintiffs and all claims asserted therein, be DISMISSED WITH PREJUDICE.

6 **IT IS SO STIPULATED:**

7 Dated: September 11, 2013

TRAINOR FAIRBROOK

9 By: /s/ John D. Fairbrook
10 JOHN D. FAIRBROOK, Attorneys for
Plaintiffs

12 Dated: September 19, 2013

/s/ Christopher N. Jones
CHRISTOPHER N. JONES, Attorney for
Defendants

15 **ORDER**

16 Based on the stipulation of the parties pursuant to Federal Rule of Civil Procedure, Rule
17 41(a)(A)(ii), Plaintiffs' Second Amended Complaint and all claims asserted therein are hereby
18 **DISMISSED WITH PREJUDICE.** The clerk is directed to close this action.
19

22 IT IS SO ORDERED.

23 Dated: September 19, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE